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Attorneys for Plaintiffs MIRSAD HAJRO and JAMES R. MAYOCK

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIRSAD HAJRO, JAMES R. MAYOCK

Plaintiffs,

v.

UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES,
DIANE CEJKA, Director,
USCIS National Records Center,
ROSEMARY MELVILLE,
USCIS District Director of San Francisco,
JANET NAPOLITANO, Secretary
Department of Homeland Security,
ERIC HOLDER, Attorney General
Department of Justice

Defendants

Case No. CV 08 1350 PSG

**PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES AND
COSTS PURSUANT TO THE
FREEDOM OF
INFORMATION ACT
5 U.S.C. § 552(A)(4)(E); AND**

**ALTERNATIVELY, UNDER
THE EQUAL ACCESS TO
JUSTICE ACT
28 U.S.C. § 2412(D), AND
NOTICE OF MOTION**

Date: July 24, 2012

Time: 10:00 a.m.

Honorable Paul S. Grewal

TO: THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, T.
DIANE CEJKA, ROSEMARY MELVILLE, JANET NAPOLITANO, ERIC HOLDER
AND THEIR ATTORNEYS OF RECORD:

Hajro v. USCIS - Case No. CV 08 1350 PSG
Notice of Motion and Motion for Attorney's Fees and Costs

PLEASE TAKE NOTICE that on July 24, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom No. 5, Fourth Floor of the United States Courthouse, 280 South First Street, San Jose, California, before the Honorable Paul S. Grewal, Plaintiffs will appear and move the Court for an award of fees and costs in the amount of \$304,419.62.

This motion is brought on the following grounds: Plaintiffs are prevailing parties having “substantially prevailed” pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a)(4)(E). Pleading in the alternative, Plaintiffs are also prevailing parties pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). Plaintiffs are therefore entitled to reasonable fees and costs associated with their Complaint for Declaratory and Injunctive Relief under EAJA in the event the Court finds FOIA does not apply.

This motion is based on this notice of motion, memorandum of points and authorities, and motion, the pleadings and records on file in this matter, the declarations and exhibits filed herewith, and on such argument as may be presented at the hearing of this motion.

Dated: June 5, 2012

Respectfully submitted,

_____/s/_____
KIP EVAN STEINBERG
Attorney for Plaintiffs